

House File 2301 - Introduced

HOUSE FILE 2301

BY HALL

A BILL FOR

1 An Act restricting the sale of information or data relating to
2 a deferred judgment and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 602.1615 Dissemination of
2 information or data related to a deferred judgment.

3 1. As used in this section, "information or data" means
4 information or data contained within the Iowa court information
5 system or criminal history data as defined in section 692.1
6 contained within the computer data storage system of the
7 department of public safety or a criminal or juvenile justice
8 agency.

9 2. A person who purchases information or data and offers
10 such information or data for sale, shall not sell the
11 information or data relating to a deferred judgment even if the
12 official notification of the successful completion of probation
13 following a deferred judgment has not occurred as of the date
14 of the purchase.

15 3. The person who purchases the information or data shall
16 bear the burden of determining if a case is related to a
17 deferred judgment. If the person is unable to determine if a
18 case is related to a deferred judgment the information or data
19 shall not be sold or disseminated by the person until such a
20 determination is made.

21 4. A person who violates this section shall pay a five
22 hundred dollar civil penalty for each violation payable to the
23 clerk of the district court for deposit in the general fund of
24 the state pursuant to section 602.8108.

25 5. This section shall not apply to a law enforcement agency,
26 the judicial branch, or any other entity authorized by law to
27 disseminate information related to a deferred judgment.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 This bill relates to the sale of information or data related
32 to a deferred judgment.

33 The bill defines "information or data" to mean information
34 or data contained within the Iowa court information system
35 or criminal history data contained within the computer data

1 storage system of the department of public safety or a criminal
2 or juvenile justice agency.

3 The bill prohibits a person, who purchases information
4 or data, from selling the information or data relating to
5 a deferred judgment even if the official notification of
6 the successful completion of probation following a deferred
7 judgment has not occurred as of the date of the purchase.

8 The bill places the burden on the person who purchases the
9 information or data to determine if a case is related to a
10 deferred judgment. If the person is unable to determine a
11 case is related to a deferred judgment, the bill prohibits the
12 information or data from being sold or disseminated by the
13 person until such a determination is made.

14 A person who violates the bill is subject to a \$500 civil
15 penalty for each violation payable to the clerk of the district
16 court for deposit into the general fund of the state pursuant
17 to Code section 602.8108.

18 The bill does not apply to a law enforcement agency, the
19 judicial branch, or any other entity authorized by law to
20 disseminate information related to a deferred judgment.